

# EXHIBIT I

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
SHAARILLE LINZY,

Plaintiff(s),

-against-

JOSE A. ALEMAR, AMERICAN UNITED  
TRANSPORTATION INC., and AMERICAN  
UNITED TRANSPORTATION II, INC.,  
Defendant(s).

Index No.: 23280/2020  
**EXPERT WITNESS  
DISCLOSURE  
AND  
MEDICAL EXCHANGE**

-----X  
S I R S:

PLEASE TAKE NOTICE, that pursuant to Uniform Rule 202.17, CPLR § 3121 and  
CPLR § 3101, the Defendants JOSE A. ALEMAR, AMERICAN UNITED  
TRANSPORTATION INC., and AMERICAN UNITED TRANSPORTATION II, INC., intend  
to call the following medical expert witness to testify at trial:

1. Defendants may call Dr. Elizabeth Ortof, Diplomate American Board of Psychiatry and Neurology as a witness. Defendants reserve the right to call other individuals as expert witnesses at the time of trial. If and when such other experts are selected, Defendants will provide Plaintiff with the identity and qualifications of each expert.
2. Dr. Elizabeth Ortof is presently expected to testify as to her January 14, 2021 examination of the Plaintiff. Defendants reserve the right to modify or supplement the answer.
3. Dr. Elizabeth Ortof is presently expected to testify concerning the nature and extent of the Plaintiff's injuries; the proximate cause and the casual relationship to the subject accident, if any, of the Plaintiff's injuries; the permanency of the Plaintiff's injuries; and the care and treatment that the Plaintiff received from all health care providers who have rendered care and treatment to the Plaintiff for her injuries and whether the treatment received was necessary and reasonable. Defendants reserve the right to modify or supplement this answer.

4. The facts and opinions upon which Dr. Elizabeth Ortof is presently expected to testify are based upon her January 14, 2021 examination of the Plaintiff. Defendants reserve the right to modify or supplement this answer.

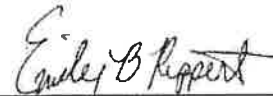
5. Annexed hereto is the medical report of Dr. Elizabeth Ortof dated January 14, 2021 and her Curriculum Vitae.

6. The grounds of Dr. Elizabeth Ortof's opinions are based upon her examination of the Plaintiff, the records listed in her report and the documents, models, drawings and testimony received into evidence during the trial of this action and the circumstances surrounding this incident.

SHOULD FURTHER INFORMATION, RELEVANT HEREIN, BECOME  
AVAILABLE, DEFENDANT(S) RESERVE(S) THE RIGHT TO SUPPLEMENT THE  
RESPONSES CONTAINED HEREIN.

Dated: Brooklyn, New York,  
April 8, 2021

Yours,



Emily Rappert, Esq.  
Abrams, Fensterman, Fensterman,  
Eisman, Formato, Ferrara, Wolf &  
Carone, LLP  
*Attorneys for Defendant(s)*  
JOSE A. ALEMAR, AMERICAN  
UNITED TRANSPORTATION INC.,  
and AMERICAN UNITED  
TRANSPORTATION II, INC.  
1 MetroTech Center, Suite 1701  
Brooklyn, New York 11201  
(718) 215-5300  
File No. AC20012302

TO:

Rosenbaum & Rosenbaum, PC  
Attorneys for Plaintiff(s)  
100 Wall Street, 15<sup>th</sup> Floor  
New York, New York 10005  
212-514-5007

**Elizabeth Ortof, MD**

173 West 78<sup>th</sup> Street  
New York, NY 10024  
212 799-0229

January 14, 2021

National Physicians Review  
One Seaport Plaza  
199 Water Street, 27<sup>th</sup> Floor  
New York, New York 10038

Claimant: Shaarile Linzy  
Carrier File #: AC 20012302  
Date of Accident: 12/5/2019  
NPR File #: 17756-52891

To Whom It May Concern:

I am a New York State Licensed and Board Certified Neurologist. At your request, an Independent Neurologic Evaluation was performed on January 14, 2021 in my office located at 173 West 78<sup>th</sup> Street, New York, New York 10024. The claimant presented a valid photo identification, which was witnessed and copied.

The independent medical examiner did not utilize a pre-exam questionnaire or intake sheet in conjunction with this examination. The findings of that evaluation are presented as follows:

**HISTORY AS GIVEN BY THE CLAIMANT:**

The claimant is a 32-year-old woman who was injured on 12/05/19. She was crossing the street when she was hit by a car. As a result, she says that she injured her neck, back and head. She was unconscious for an unclear amount of time. She was taken to Jacobi Hospital, where she was treated and released.

She was subsequently started on a course of physical therapy and chiropractic treatments. She came under the care of Dr. Datta, a pain management specialist and says that she had 2 epidural injections in her lumbar spine, the last one just a few days ago. In November of 2019, she says her leg gave out and she fell, and broke her right hand. She had surgery on the right hand on 12/03/20. She also did see Dr. Hausknecht, neurologist, and Dr. Dassa, orthopedic doctor.

**PAST MEDICAL HISTORY:**

Noncontributory.

**MEDICATIONS:**

Flexeril and Ibuprofen.

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Independent Medical Examination  
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**WORK HISTORY:**

She was working as a sushi chef, but has been out of work since the date of accident.

**PRESENT COMPLAINTS:**

She has back pain all of the time that radiates to her right leg and she gets numbness of the right leg. She has occasional pain in her neck. She says that she is unable to do any heavy lifting and she does need help with washing her hair.

**REVIEW OF MEDICAL RECORDS:**

- Bill of Particulars Index No: 23280/2020E dated 7/13/20 and 1<sup>st</sup> Supplemental Bill of Particulars dated 10/09/20, which states the following neurological injuries: cervical radiculopathy; lumbar radiculopathy.
- Procedure report dated 8/04/20, Sukdeb Datta, M.D., interlaminar lumbar epidural injection; fluoroscopic guidance; epidurogram with interpretation.
- Fluoroscopic guidance report dated 7/21/20, Sukdeb Datta, M.D.
- X-ray report lumbar spine dated 9/20/20, Stand-Up MRI of the Bronx, P.C.
- X-ray report cervical spine dated 9/20/20, Stand-Up MRI of the Bronx, P.C.
- Follow-up notes dated 1/24/20, Gabriel L. Dassa, D.O.
- Follow-up notes dated 10/08/20, Nagendra Shan, M.D.
- Initial office visit notes dated 2/18/20, Regina Asaro, D.O.
- IME report dated 1/05/21, Ernesto Seldman, M.D.
- Report of electroencephalography dated 9/30/20, Dr. Krishna.
- V-ENG testing report dated 9/30/20, Dr. Krishna.

**NEUROLOGIC EXAMINATION:**

The claimant is a 32-year-old, 5' 3" tall, 220-pound, right-hand-dominant female with brown eyes and brown hair. Her temperature was 98°F.

As the claimant was examined wearing a mask and gloves, some aspects of the neurological examination were limited.

**General observations:**

The claimant was wearing a brace over her right wrist hand, because of her recent hand surgery. There was no pain on palpation of the cervical spine. Range of motion of the cervical spine was full with flexion to 50 degrees (normal 50 degrees), extension to 60 degrees (normal 60 degrees) right and left lateral rotation to 80 degrees (normal 80 degrees), and right and left lateral flexion to 45 degrees (normal 45 degrees).

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There was no pain on palpation of the thoracic spine. There was pain on palpation of the lower lumbar spine. Range of motion of the lumbar spine reveals flexion to 50 degrees (normal 60 degrees), extension to 25 degrees (normal 25 degrees), and right and left lateral flexion to 20 degrees (normal 25 degrees). Straight leg raising was negative.

The documented ranges of motion were assessed visually and with the use of a handheld goniometer. Range of Motion is a subjective finding under the voluntary control of the individual being tested. Variables such as body habitus, age, conditioning as well as the claimant's effort may affect the observed results. The values of all the measurements were compared to the normal active range of motion values according to the publication, "*Guidelines to the Evaluation of Permanent Impairment*," 5th edition (2000), published by the American Medical Association.

**Mental Status:**

The claimant was awake, alert and oriented times three. Speech was fluent; there was no dysarthria or aphasia. Affect was normal and behavior was appropriate. There were no clear cognitive deficits.

**Cranial Nerves:**

Visual fields were full. The pupils were equal and reactive to light and accommodation. Extraocular movements were intact. There was no nystagmus. Hearing was intact. Sensory exam of the forehead was intact. The rest of the cranial nerves could not be examined, due to the fact that the claimant was wearing a mask.

**Motor and Coordination:**

Motor exam of the upper and lower extremities revealed 5/5 strength of the arms and legs with normal tone and bulk, except for 4+/5 strength of the right hip flexor. No involuntary movements were noted. Reflexes were 2 in the biceps and triceps bilaterally and 2 in the brachioradialis bilaterally. Reflexes were 2 in the knees, 1 in the right ankle and 2 in the left ankle. There was no Babinski reflex. Coordination revealed intact finger-to-nose and intact fine finger movements on the left. I did not examine the right hand, due to the recent surgery.

**Sensory:**

Sensory exam was intact to pin touch, temperature, vibration and position sense. There was no Tinel's sign in the left wrist.

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**Gait and Station:**

Gait was antalgic. The claimant could walk on her heels and toes for short distances. She could tandem without difficulty. Romberg was negative.

**DIAGNOSIS:**

1. Right lumbar radiculopathy.

**DISCUSSION:**

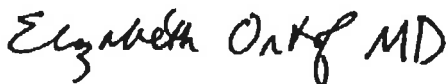
There is no clear evidence on exam of cervical radiculopathy. She is capable of performing all activities of daily living that do not involve lifting, pushing or pulling of over 10 pounds, from a neurological perspective. The claimant is not capable of returning to work as a sushi chef at the current time, because it involves lifting of fish weighing over 70 pounds.

*The captioned claimant was examined for an Independent Medical Examination. No doctor-patient relationship exists or is implied by this examination.*

*I, Elizabeth Ortof, M.D. certify and affirm under CPLR code 2106 and the penalty of perjury that I am a physician duly licensed to practice medicine in the State of New York, and that the statements in the foregoing report are true to the best of my knowledge.*

No portion of the content of this report has been dictated or prepared by anyone other than me.

Sincerely,



Elizabeth Ortof, M.D.  
New York State License No. 162036  
EO: lm

**ELIZABETH ORTOF, MD, MBA**  
173 West 78<sup>th</sup> Street, Suite 1C  
New York, NY 10024  
ph 212 799-0229; Fax 212 799-0255  
ortofmd@verizon.net

#### **EDUCATION AND TRAINING**

**Union College, Schenectady, NY**  
MBA in Health Systems Administration, 9/99-6/01

**Albert Einstein College of Medicine, Bronx, NY**  
Fellowship in Geriatric Neurology 6/87-6/88

**Albert Einstein College of Medicine/Montefiore Medical Center, Bronx, NY**  
Residency in Neurology 7/84-6/87

**Lenox Hill Hospital, New York, NY**  
Internship in Internal Medicine 6/83-7/84

**Medical College of Pennsylvania, Philadelphia, PA**  
Medical Degree 9/79-5/83

**Columbia University School of General Studies, New York, NY**  
Continuing Education 9/77-6/78

**Swarthmore College, Swarthmore, PA**  
Bachelor of Arts 9/73-6/77

#### **LICENSURE AND BOARD CERTIFICATION**

*New York State License of Medicine #162036*

*New Jersey License of Medicine # 25MA08178700*

*Diplomate, American Board of Psychiatry and Neurology in Neurology, 4/89*

*National Board of Medical Examiners, 1984*

## PROFESSIONAL EXPERIENCE

**Consultant in General Neurology, New York, NY, 9/08- present**

**Staff Neurologist, General Neurology, *East Tremont Medical Center*, Bronx, NY, 5/08 – 7/08**

**Private Practice in General Neurology, New York, NY, 3/07-4/08**

**Medical Director, *OrthoNet LLC*, White Plains, NY, 1/05 – 2/07**  
[Managed Care Company]

**Consulting Neurologist, *Independent Sites LLP*, New York, NY, 3/03- 12/04**  
[Independent Medical Examinations]

**Consulting Neurologist, *Riverfront Medical Services*, Albany NY, 10/96 - 12/01**  
[Independent Medical Examinations]

**Attending Neurologist, General Neurology, *Albany Medical Center Hospital*, Albany, NY, 9/97 - 6/99**

**Clinical Director, Alzheimer 's Disease and Related Disorders Clinic**  
***Department of Neurology, Albany Medical College*, Albany, NY, 9/97 - 6/99**

**Consulting Neurologist, *Albany County Nursing Home*, Albany, NY, 11/96 - 5/97**

**Staff Neurologist, General Neurology, *Department of Veterans Affairs Medical Center*, Albany NY, 9/88-10/96**

**Attending Physician in General Neurology, *Montefiore Medical Center*, Bronx, NY, 6/87-6/88**

**Research Assistant, *Rockefeller University*, New York, NY 9/78-6/79**

## ACADEMIC APPOINTMENTS

**Associate Professor of Neurology, Albany Medical College, 1993 - 1999**

**Assistant Professor of Neurology, Albany Medical College, 1988-1993**

**Clinical Instructor in Neurology, Albert Einstein College of Medicine, 1987-1988**

## HONORS AND AWARDS

Outstanding Woman of the Year Award, 1982

Member of *Beta Gamma Sigma*, inducted 5/01

## PROFESSIONAL SOCIETY MEMBERSHIPS

American Academy of Neurology

## RESEARCH ACTIVITY

**Principal Investigator**, Electron Microscopic Evaluation of Platelets in Parkinson's Disease and Neurodegenerative Disorders. 1992 -1994

**Principal Investigator**, Fetal Tissue Transplantation and Optic Nerve Regeneration. Funded by Dept of Veterans Affairs Research Advisory Group 1989-1991

**Co - Investigator**, Axon Reaction and Central Nervous System Regeneration. Funded by Dept of Veterans Affairs 1989-1992.

## COMMITTEE MEMBERSHIPS

Chairman, Aetna Patient Management Committee, 2006-2007

Board of Directors, Alzheimer's Association, Northeastern NY Chapter 1998-1999

Faculty Senate of Albany Medical College 1992-1996

Academic Governing Council of Albany Medical College 1993-1996

Graduate Medical Education Subcommittee of VAMC, Albany 1988-1994

## PUBLICATIONS

**Ortof, E.** General Neurology of Aging. Current Opinion in Neurology and Neurosurgery 1:492-495, 1988

**Ortof, E.** General Neurology of Aging. Current Opinion in Neurology and Neurosurgery 2:460-462, 1989

**Ortof, E., Crystal, HA.** Rate of Progression of Alzheimer's Disease. J Am Geriatr Soc 37 (6): 511-514, 1989.

**Factor, SA., Ortof, E., Dentinger, MP., Menkes, R., Barron, KD.** Structural Alterations of Platelets in Parkinson's Disease: An Electron Microscopic Study. Journal of the Neurological Sciences 122 (94): 84-89, 1994.

**Crystal, HA., Ortof, E., Frishman, WH., Grueber, A., Hershman, D., Aronson, M.** Serum Vitamin B12 Levels and Incidence of Dementia in a Healthy Elderly Population: A Report from the Bronx Longitudinal Aging Study. J Am Geriatr Soc. 42: 933-936, 1994.

#### **ABSTRACTS**

**Ortof, E., Crystal, HA.** Rate of Progression of Alzheimer's Disease. Neurology 38 (supp 1): 324, 1988.

**Marciano, FF., Ortof, E., Dentinger, MP., Csiza, CK., Barron, KD.** Regeneration in the Optic Nerve of the Myelin Deficient Rat (md): Extent of Axonal Elongation. Annals of Neurology 28 (2): 291-292, 1990.

**Ortof, E., Factor, S., Dentinger, MP., Barron, KD.** Electron Microscopic Analysis from Patients with Parkinson's Disease. Brain Pathology 1: 318, 1991.

**Factor, SA., Ortof, E., Dentinger, MP., Barron, KD.** Structural Alterations of Platelets in Parkinson's Disease. Neurology 42 (supp 3): 174, 1992.

**Factor, SA., Ortof, E., Dentinger, MP., Barron, KD.** Platelet Abnormalities in Parkinson's Disease. An Electron Microscopic Study. Movement Disorders 7 (supp 1): 58, 1992.

**Ortof, E., Pratt, T., Csiza, CK., Barron, KD.** Fetal Tissue Transplantation in a Myelin Deficient Rat. Brain Pathology. 2: 263, 1992.

The American Board of Psychiatry and Neurology

Incorporated 1934

*This is to certify that*

Elizabeth Ortol, M.D.

*has satisfied the requirements of the Board  
and is hereby certified as a Diplomate in the specialty of*

Neurology

April, 1989

*John P. Whitman*

President

*Robert M. Lind*

Vice-President

*Ernest L. Hansen*

Secretary

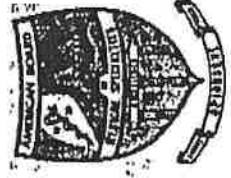
*Maurice J. Martin*

Treasurer

*Stephen C. Silver*

Executive Secretary

*Certificate No. 031337*



*The University of the State of New York  
Education Department  
Office of the Professions  
**REGISTRATION CERTIFICATE**  
Do not accept a copy of this certificate*

License Number: 162036-1

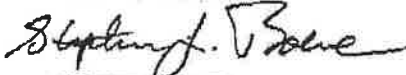
Certificate Number: 9124896

ORTOF ELIZABETH  
APT 1 C  
173 W 78TH ST  
NEW YORK

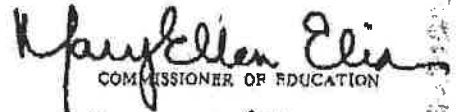

NY 10024-0000

is registered to practice in New York State through 10/31/2017 as a(n)  
**PHYSICIAN**

LICENSEE/REGISTRANT



EXECUTIVE SECRETARY

  
COMMISSIONER OF EDUCATION  
DEPUTY COMMISSIONER  
FOR THE PROFESSIONS

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STATE OF NEW YORK  
WORKERS' COMPENSATION BOARD  
ROBERT R. SNASHALL  
Chairman

## CERTIFICATE OF AUTHORIZATION

**THIS IS TO CERTIFY THAT** the physician named below is authorized to render treatment to injured employees and perform independent medical exams under the Workers' Compensation Law.

Date of Issue: 5/30/2001

Authorization No.: 162036-8B

Treatment Authorization Date: 1/8/1998

IME Authorization Date: 5/30/2001

Rating Code(s): CPN-N

**Ortof, Elizabeth MD**  
401 New Karner Rd  
Albany, NY 12205-3840



C-102 (3-96)

Index #: 23280/2020

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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SHAARILLE LINZY,

Plaintiff(s),

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JOSE A. ALEMAR, AMERICAN UNITED  
TRANSPORTATION INC., and AMERICAN  
UNITED TRANSPORTATION II, INC.,  
Defendant(s).

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**EXPERT WITNESS DISCLOSURE  
AND  
MEDICAL EXCHANGE**

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Abrams, Fensterman, Fensterman, Eisman, Formato, Ferrara, Wolf & Carone, LLP  
Attorneys for Defendants

JOSE A. ALEMAR, AMERICAN UNITED  
TRANSPORTATION INC., and AMERICAN  
UNITED TRANSPORTATION II, INC.

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Brooklyn, New York 11201

(718) 215-5300

**File No.: AC20012302**